

152 subsequent investigation of the report.

153 Section 4. Section **80-2-609** is amended to read:

154 **80-2-609. Failure to report -- Threats and intimidation -- Penalty.**

155 (1) If the division has substantial grounds to believe that a person knowingly failed to  
156 report under Section 80-2-602 or 80-2-603, the division shall file a complaint with:

157 (a) the Division of Professional Licensing if the person is a health care provider, as  
158 defined in Subsection 80-2-603(1)(a)(i), or a mental health therapist, as defined in Section  
159 58-60-102;

160 (b) the appropriate law enforcement agency if the person is a law enforcement officer,  
161 as defined in Section 53-13-103; or

162 (c) the State Board of Education if the person is an educator, as defined in Section  
163 53E-6-102.

164 (2) The division shall:

165 (a) provide the information ~~§~~→ **deemed** ←~~§~~ necessary ~~§~~→ **[to comply with the**  
165a **requirements of]** **for action on the complaint by the entities listed in** ←~~§~~ Subsection  
166 (1); and

167 (b) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
168 Rulemaking Act, specifying the information the division shall provide under Subsection (1).

169 ~~[(2)]~~ (3) (a) A person is guilty of a class B misdemeanor if the person willfully fails to  
170 report under Section 80-2-602 or 80-2-603.

171 (b) If a person is convicted under Subsection ~~[(2)(a)]~~ (3)(a), the court may order the  
172 person, in addition to any other sentence the court imposes, to:

173 (i) complete community service hours; or

174 (ii) complete a program on preventing abuse and neglect of children.

175 (c) In determining whether it would be appropriate to charge a person with a violation  
176 of Subsection ~~[(2)(a)]~~ (3)(a), the prosecuting attorney shall take into account whether a  
177 reasonable person would not have reported suspected abuse or neglect of a child because  
178 reporting would have placed the person in immediate danger of death or serious bodily injury.

179 (d) Notwithstanding any contrary provision of law, a prosecuting attorney may not use  
180 a person's violation of Subsection ~~[(2)(a)]~~ (3)(a) as the basis for charging the person with  
181 another offense.

182 (e) A prosecution for failure to report under Subsection ~~[(2)(a)]~~ (3)(a) shall be